IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 2363 OF 1987

Polycone Paper Limited, a company a registered under the Companies Act, 1956, office at 213, Udyog Mandir, Building No.1, 2nd floor 7/C,Pitamber Lane, Mahim, Bombay -400 016 .. Plaintiffs.

V/s.

1. M/s.Arkey Industries, a firm having its principal place of business at 104,Churchgate - Chambers, New Marine Lines, Bombay - 400 020.
2. Harkishan G. Malwani of Bombay Indian Inhabitant r/a.Ajay Kumar Co-op.Hsg.Society 25, Dr. Gopal Rao Deshmukh Rd.,(former Peddar Rd.,Flat No.31,Opp.Films Division, Bombay- 400 026.
3. Vishwanath G.Khanna of Bombay Indian Inhabitant r/a.42, Jaihind Society, 10th Rd., Juhu Vile Parle Development Scheme, Bombay - 400 056.

.. Defendants.

Mr.Sudhakar G.Lakhani for the Plaintiffs.

CORAM : S. A. BOBDE, J.

DATED : 27th FEBRUARY, 2007.

(Date of Reserving the Judgment : 08.02.2007)
(Date of Pronouncing the Judgment: 27.02.2007)

JUDGMENT :-

. On 10th December, 1987, the defendants were granted 8 weeks time to file a written statement, when the suit was transferred to the list of commercial causes. Admittedly, no written statement is filed by the defendants. The matter was called out on board today but none appeared on behalf of defendants. In these circumstances, it is appropriate to proceed to decide the matter.

2. The suit is for the recovery of the unpaid price of goods supplied to the defendants, being various sizes of spirally wound kraft paper tubes and adhesive. The plaintiffs have asserted, that they have delivered the goods for an aggregate amount of Rs. 76,195.41/- i.e. the value of the bill raised by the plaintiffs.

3. The defendants have not paid the principal sum of Rs. 76,195.41/- as well as a sum of Rs. 20,766.53/- as the amount of interest upto the date of filing the suit. The plaintiffs, therefore, demanded the amount by notice dated 14th February, 1987, which according to the averments in the plaint, was not complied with. The particulars of the claim at Exh.‘H’ set up by the plaintiffs as per the plaint are as follows :

Amount Rs.P.

1	Being the amount of the bill No.PCP/910/85,dated 2.8.85	02,772.00	
	Add : Interest at the rate of 16% per annum from 2.9. 85 to 8.6.87	783.75	3,555.75
2	Being the amount of the bill No.PCP/932/85 dated 7.8.85	15,061.20	
	Add: Interest at the rate of 16% per annum from 7.9.85 to 8.6.87	4,225.38	19,286.58
3	Being the amount of the bill No.PCP/933/85 dated 7.8.85	7,089.39	
	Add: Interest at the rate of 16% p.a.from 7.9.85 to 8.6.87.	1,988.91	9,078.30
4	Being the amount of the Bill No.PCP/980/85 dt.20.8.85	8,401.93	
	Add: Interest @ 16% p.a. from 20.9.85 to 8.6.87	2,309.25	10,711.18
5	Being the amount of the Bill No.PCP/1042/85 dt.3.9.85	2,633.40	
	Add:Interest at the rate of 16%p.a.from 3.10.85 to 8.6.87	708.77	3,342.17
6	Being the amount of the Bill No.PCP/1047/85 dt.4.9.85	14,885.64	
	Add:Interest @ 16% p.a. from 4.10.85 to 8.6.87	3,999.95	18,855.59
7	Being the amount of the Bill No.PCP/1066/85 dt.10.9.85	23,503.85	
	Add: Interest @ 16% p.a. from 10.10.85 to 8.6.87	6,253.94	29,757.79
8	Being the amount at the Bill No.ADH/966/85 dt.4.9.85	1,848.00	

Add:Interest at the rate of 16%p.a.from 4.10.85 to 8.6.87	496.58	2,344.58
	Total	96,961.94

4. In view of the uncontroverted statements in the plaint, I consider it appropriate to decree the suit in the aggegate sum of Rs.96,961.94/- together with further interest on Rs.76,195.41/- at the rate of 12% per annum from the date of the suit till payment or realisation.

5. Decree be drawn up accordingly.

(S.A.BOBDE,J.)

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